

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, MAY 6, 2014
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.
Immediately Following the Public Hearing at 8:36 p.m.**

Members present: Robert de Jongh, Charles Dimmick, Dave Brzozowski, Kerrie Dunne, Will McPhee and Thom Norback.

Member absent: Earl Kurtz

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the regular meeting to order at 8:36 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

The roll was called at the public hearing. Members in attendance at the public hearing were still in attendance for the regular meeting.

Members present were Robert de Jongh, Charles Dimmick, Dave Brzozowski, Kerrie Dunne, Will McPhee and Thom Norback.

IV. DETERMINATION OF QUORUM

Chairman de Jongh determined a quorum at the public hearing.

**V. APPROVAL OF MINUTES – Public Hearing – April 15, 2014
Regular Meeting – April 15, 2014**

Commission members agreed to move the approval of the minutes was deferred to the end of the meeting without objection.

At 9:16 p.m.:

Motion: To approve the minutes of the public hearing and regular meeting of April 15, 2014 with corrections.

Public Hearing: Pg. 2 L20 “acre” to “parcel”; L33 “from” to “since”, L34 “acceptation” to “exception”, L40 “which” to “which is”; Pg. 3 L28 “adversary” to “advisory”, L43 add “be” before “avoided”; Pg. 12 L16 “an” to “can”, L34 “eh” to “the”; Pg. 16 L8 “tong” to “long”, L11 delete “he might”. Regular Meeting: Pg. 13 L5 “the power” to “part”.

Moved by Mr. McPhee. Seconded by Mr. Brzozowski. Motion approved unanimously by Commission members present.

VI. COMMUNICATIONS

1. The Habitat, CACIWC Spring 2014 Newsletter
(To be handed out at meeting)

This communication was reviewed.

Dr. Dimmick said in the Habitat in the center spread is an article on how to support native pollinators and a long list of native perennials that are favorable to all kind of purposes that he was sure staff would be able to recommend that list to potential developers or native landscaping – he said Kathleen Connelly has spoken in town a couple of times to various groups on this matter.

Ms. Simone stated she’s speaking tonight at the library.

Dr. Dimmick said she spoke last month at the grange.

2. Staff Communication with Attachments
Re: 1392 Cheshire Street

This communication was reviewed.

3. Staff Communication with Attachments
Re: 680 South Main Street Storage Shed

This communication was reviewed. Ms. Simone stated this item was under enforcement action on the agenda tonight.

4. Staff Communication and Attachments
Re: Request for Determination, 267 Finch Avenue, Site Development

This communication was reviewed. Ms. Simone stated this item is on the agenda under new business.

5. DEEP Wetland Impacts for I-84 Road Widening Project

This communication was reviewed – this item was a notification.

6. **2014 DEEP Training Program for Municipal Inland Wetlands Agencies**

This communication was reviewed.

7. **Notice of Violation of CIWWC Regulations**
Re: 64 Rita Avenue

This communication was reviewed. Ms. Simone stated this is on the agenda under enforcement actions.

8. **Staff Communication with Attachments**
Re: 64 Rita Avenue, Unauthorized Activities in the Upland Review Area

This communication was reviewed.

9. **Staff Communication with Attachments**
Re: App. #2014-012, Reservoir Road, Resubdivision/Watercourse Crossing

This communication was reviewed. Ms. Simone stated this item was subject of the public hearing tonight which is under unfinished business.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated written inspection is covered under the enforcement action for 64 Rita Avenue.

2. **Staff Inspections**

a. **Sindall Road**

Ms. Simone stated there's been a complaint of tributary of Sindall Brook along Allen Avenue and she is working with the Public Works Department and the town attorney to try to get voluntary compliance from property owners that have stored yard debris along a watercourse that the town would assist them in getting that material removed off site so that's something that's ongoing

and if they don't voluntarily compile then it come before the Commission as an enforcement action.

b. 108 Blacks Road

Ms. Simone said she did confirm they added their erosion controls around the property and she did go out in a rain event and the site was functioning much better and holding back a lot of the sediment.

Ms. Simone said she did have conversation with their engineer and they do plan on moving forward and bring in an application to the Wetlands Commission as well as the Planning and Zoning Commission in the very near future.

c. Payne Avenue

Ms. Simone said there was a complaint on Payne Avenue – that the pond behind the house was turning brown and when she had gone out there and there was a water main that had burst in the road and regional Water Authority was already there fixing it and there was a lot of sediment in the road so they did sweep that up.

d. Hillside Village East Mitchell Avenue

Ms. Simone said at Hillside Village on East Mitchell Avenue – after a heavy rain event a couple of weeks ago a head wall right along their main road collapsed into a stream and there was a large sink hole right next to the road so they did have to do an emergency repair and they were able to extend the pipe further away from the road and back fill the area and they did a good job – she said she was there as well as the Engineering Department was there over the couple of days they were installing this so they will be coming in for permit after the fact because it was an emergency situation.

e. Cornerstone Church Waterbury Road

Dr. Dimmick asked about the church property on Waterbury Road.

Ms. Simone said they are submitting their required erosion control reports and they are following up with deficiencies that are found and they are repairing those.

Dr. Dimmick said we have had a couple of significant rain events.

Ms. Simone stated yes and they've stayed on top of it.

VIII. ENFORCEMENT ACTIONS

1. Notice of Violation SC 1/07/14
Mr. Nathaniel Florian
Woodruff Associates
Unauthorized Activities in the Upland Review Area/Inland Wetlands
108 Blacks Road
Assessor's Map 19, Lots 43 & 44

Chairman de Jongh stated this was subject of staff's comments.

Mr. McPhee asked was there any evidence of any of new dumping or new piles.

Ms. Simone said it did appear that there were new trees – a section of trees, branches or trunks that were brought onto the property when she compared photos from the winter to now so she is writing a letter to them to inform them they are not allowed to number one bring the items onto the property and number two as far as zoning is concerned they are not able to process it on the property until they receive their required permits from Planning and Zoning.

2. Notice of Violation SC 1/07/14
John Ricci
Unauthorized Activities in the Upland Review Area/Inland Wetlands
680 South Main Street
Assessor's Map 71, Lot 93

Mr. Brzozowski recused himself from this portion of the meeting at 8:42 p.m.

Chairman de Jongh said this has been subject of conversation and the last know item was that the shed that had been placed without a permit was placed in an area of concern for this Commission.

Chairman de Jongh said we have some comments from the Regional Water Authority that everyone should have received; the letter was sent to Suzanne on April 11 and he believed all Commission members have a copy of this and their basically he thought in agreement with a lot of the comments that were made by this Commission and that the shed - the key element and it was an item

that was brought up as to what was stored in that shed – no one knows and its impossible for staff to continue to monitor that and we are at a point right now where we need make a decision on that shed.

Ms. Dunne said just for the record they also note that they found storage of material outside the shed as well and there seemed to be a pattern of that.

Dr. Dimmick said he would also like to point out that they said they reviewed the Cheshire Aquifer Protection regulations and according to section 4 C2 they talk about what can be stored and all – they said the storage shed should not be considered regulated activity but the storage of hazardous materials in a shed to be considered a regulated and thus prohibited.

Dr. Dimmick said so a shed that is locked and you could look into might contain material that would be prohibited – they have no way of knowing – we have no way of knowing.

Ms. Simone said she did speak to the Regional Water Authority today and they had commented that the property owner did indicate that they would provide them access – that they could set up an appointment and Regional Water Authority would go to the shed and inspect.

Ms. Simone said in her conversation with the Regional Water Authority – we were discussing back and forth that its clear there are multiple issues here – it's not just about if there's paint or gas or whatever is contained in the shed – before this Commission is that the shed was installed without the permit and when a permit was brought forward to the Commission that permit was denied.

Ms. Simone said so as of right now there is a building that is in very close proximity to a watercourse that the Commission had declined to grant a permit for.

Ms. Simone said so this Commission is not really charged with looking at the aquifer protection regulations because it's not under this Commission's purview that's through Planning and Zoning but Regional Water Authority raises that issue just in general because they were asked to review the site.

Chairman de Jongh said so the issue before us is the actual removal of that shed since we have denied the existence of that shed.

Mr. Norback asked to her statement – our we then not to consider what may or may not be stored in the shed.

Ms. Simone said she thought it could be considered – certainly there are implications to the watercourse depending on what's stored in the shed – she said her comment was specifically was just when he raises issue of the aquifer protection regulations that he's not necessarily looking to this Commission to enforce that.

Mr. Norback said okay but the reason he mentioned is this storage shed is apparently related to construction activities as that is the property owners business so there would be nothing – it's kind of a leap for us to think that he's also moonlighting at Upjohn or something so we would have to worry about what's in the shed.

Ms. Simone said there are inconstancies when the application was before the Commission and the Commission asked the applicant's engineer to report back to this Commission what was found in the shed – it was reported that paint cans were found and gas cans were found – there was no indication as to whether they were full or half full or empty.

Ms. Simone said Mr. Ricci did come in and met with her and Bill Volker and at that time he (Mr. Ricci) said there was never any paint stored there and so there's an inconsistency - and the paint is not the sole issue is that there's a shed put close proximity to a watercourse.

Ms. Simone explained when she went out there during a rain event you could see that the water level was practically touching the shed and while the shed is on stilts or at least it's raised up off the ground – still it's in very close proximity.

Ms. Simone said there is no way to really monitor what is in that shed – certainly staff cannot do that - staff can monitor during construction and she can go out and inspect for erosion controls.

Mr. Norback said you would do that during the permitting process.

Ms. Simone stated yes but not ongoing maintenance and monitoring.

Ms. Dunne said the Regional Water Authority refers to housekeeping issues – there's housekeeping issues there's even storage outside – we've had different information about what was stored inside and

they also in their letter are concerned about the size of the shed itself lends to storage of more than just a snow blower or a lawn mower.

Chairman de Jongh said what we have to consider tonight and what we have to vote on tonight is the corrective order that's before us which basically requires the applicant to remove the shed.

Chairman de Jongh said he thought everyone should have copies of it – it's the corrective order CO5-6-2014-A.

Mr. Kevin Vineyard an employee for John Ricci addressed the Commission; he said John could not be here so he was here on his behalf.

Mr. Vineyard said he thought they understood that the shed as is now not to remain – that that will be removed – we would like to see if we could entertain a smaller shed possible two 12' by 12' that would conform to the size and relocate them in a spot that would be acceptable to you.

Chairman de Jongh said we could do that but that would have to be with a separate application and not part of this discussion this evening.

Mr. Vineyard stated we understand that.

Mr. Vineyard said now we can clarify what's on the outside of the shed as well as what may be inside the shed if they had any questions.

Ms. Dunne said she actually would like to know what was on the outside of the shed.

Mr. Vineyard said on the outside of the shed there was some materials obviously there was some work being done to the shed so there was some siding – some two-by's – framing lumber – things of that nature – some pipes – pump jacks which are used for putting up siding for scaffolding – in the back there were what they call bakers – they are rolling scaffolds – so there are some things like that on the outside which was what we wanted to put on the inside.

Mr. Vineyard said as far as the paint – there's no power to this shed – there's no heat to the shed so there are some paint cans – some five gallon cans that were empty that are used for nails and things of that nature like you would use a compound bucket – like you might buy a

Home Depot bucket – a five gallon bucket; there is snow blower that's in the shed – no lawn mowers or anything like that; most everything is either electric drills – saws – things of that nature that are tools; there's windows – doors – he said he actually has some pictures of the shed if they want to see the interior of it as unorganized as it may seem.

Mr. Vineyard said so that's basically what's in the shed. He said Ricci Construction Group is a construction company – we don't do painting – all the painting gets subbed out – same as like the lawn work at 680 South Main – all that is contracted out so there are no mowers or anything like that.

Dr. Dimmick said Mr. Chairman I think the problem is we have a shed in an area that was never permitted to be and no matter what the shed is being used for or was being used for its still a shed that's not permitted and what we have before us is a corrective order to remove that which should have never been there to begin with – that's plain and simple.

Mr. McPhee agreed and said he thought we have to act upon this and he encouraged the applicant to come back in front of us which he had that opportunity before which we didn't get anywhere with so this is why we are at this step now.

Mr. McPhee said he thought we had to move forward with this – what's in front of us (the corrective order).

Corrective Order:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 13 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, site visitations, review of town records, review of written information and oral testimony provided by the violator (Mr. Ricci) regarding the construction of a shed within/abutting the intermittent watercourse at 680 South Main Street and information received during the course of a public meeting, finds the following:

1. That inland wetlands and watercourses of the State of Connecticut and the Town of Cheshire are an indispensable and irreplaceable but fragile natural resource with which the citizens of the State have been endowed.

2. That intermittent watercourses' are a classification of watercourse, and proposed activities within an intermittent watercourse and associated upland review area are the jurisdiction of the Cheshire Inland Wetlands and Watercourses Commission.
3. That the wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and the existence of many forms of animal, aquatic and plant life.
4. That the Cheshire Inland Wetlands and Watercourses Regulations, in effect since June 2, 1974, are enforced by the Cheshire Inland Wetlands and Watercourses Commission, per town ordinance.
5. That the Cheshire Inland Wetlands and Watercourses Commission is aware of the potential public interest in aesthetics and access in and around watercourses, wetlands and upland review areas, and that the Cheshire Inland Wetlands and Watercourses Commission is charged by State law and local ordinance with assessing, monitoring and reviewing potential and real impacts to watercourses, wetlands and upland review areas from activities such as the installation of structures.
6. That the construction of a shed was completed without the required review and approval of the Cheshire Inland Wetlands and Watercourses Commission, as prescribed in the Cheshire Inland Wetlands and Watercourses Regulations.
7. That in December 2013 Commission Staff was notified by the Building Department of a building constructed at 680 South Main Street.
8. That on December 23, 2013 Staff observed the presence of a shed within the intermittent watercourse and/or upland review area to the east of the parking lot at 680 South Main Street.
9. That on December 31, 2013 a Notice of Violation and Cease and Desist order was issued for the unpermitted installation of the shed.
10. That on January 7, 2014 the Commission held a Show Cause Hearing to discuss the installation of the shed without the required review and approval of the Commission.

11. That an isolated depression area to the rear of the property, subject to intermittent flooding has been previously investigated by a certified soil scientist. The soil scientist has previously determined that this area did not contain wetland soils and did not possess vernal pool characteristics, but could be characterized as an intermittent watercourse.

12. That the area of the intermittent watercourse was disturbed and filled by the applicant prior to the filing of the 2004 application.

13. That during the course of disturbing a portion of the area of the previously-identified intermittent watercourse, a liner was discovered and removed by the applicant.

14. That, in a July 29, 2004 letter from Kenneth Stevens, Soil Science and Environmental Services, Inc. to John Ricci, Ricci Construction Group, Mr. Stevens states that "the regulated area has no wetland quality for wildlife habitat and none for most of the other functions associated with wetlands and watercourses. The principle functions of the area are for storm water detention and possibly water quality enhancement."

15. That the applicant's engineer previously represented (in 2004) to the Commission that the currently-proposed stormwater management basin has volume to fully contain a 10-year storm event at the site, and that stormwater from a 25-year storm will not exit the property.

16. That minutes of the September 7, 2004 Inland Wetlands and Watercourses Commission meeting reveals a history of unpermitted work within and around the intermittent watercourse. The owner of the property has remained the same from 2004 to 2014. In the minutes of the 2004 meetings the owner was advised of the requirement to obtain IWWC permits for work conducted in and around the intermittent watercourse.

17. That on January 31, 2014 Mr. Ricci submitted a permit-after-the-fact for the installation of the shed and modification of the drainage system.

18. That review of inland wetland applications for development proposals at 680 South Main Street reveals a history of the applicant violating the Cheshire Inland Wetlands and Watercourses Regulations.

19. That Section 13.5 of the Cheshire Inland Wetlands and Watercourses Regulations authorizes the Commission to issue a corrective order for the removal of the shed.

Therefore, the Cheshire Inland Wetlands and Watercourses Commission, under jurisdiction prescribed in Section 13.5 of the Cheshire Inland Wetlands and Watercourses Commission issues the following Corrective Order:

1. The shed and any associated concrete pads shall be removed to an area at least 50-feet from the watercourse on site, by June 3, 2014.
2. The exposed soil will be regraded and seeded with native seed to approved site conditions of the 2004 permit by June 3, 2014.
3. The property owner shall verify in writing by June 3, 2014 to the Commission that the items 1 and 2 listed above are complete.

Moved by Mr. McPhee. Seconded by Dr. Dimmick. Motion approved 5-0-1 with Mr. Brzozowski abstaining from the vote (he had recused himself from this portion of the meeting).

Chairman de Jongh said again we encourage the applicant to come back with an application for relocation of a shed elsewhere on the property and we can take a look at as we would any other application.

Chairman de Jongh said let the record show that at 8:54 p.m. Mr. Brzozowski rejoined the Commission.

3. **SHOW CAUSE HEARING**

Notice of Violation

Ms. Suzy Lynn Antunes Ribeiro

Unauthorized Activities in the Upland Review Area/Inland Wetlands

64 Rita Avenue

Assessor's Map 14, Lot 43

Ms. Simone said if she could just bring the Commission up to speed first: she explained that staff became aware that there was some stock piling of construction debris at 64 Rita Avenue.

Ms. Simone explained that when she looked through the town records she saw that on November 23, 2011 that there was a Zoning Enforcement order that was issued against the property which at that time was owned by M&T Bank and it had indicated that there was

contracting of equipment on the site as well as some stock piling of debris – there was no further follow up to say whether all the debris was moved – taken off site or if it was pushed to the rear of the property or where it originally was – she was not involved in that so she wasn't aware of that that situation was.

Ms. Simone said in April she did observe from the street line that she could see there was a stock piling of material to the rear of the yard at 64 Rita Avenue – the view point from Byam Road from the Fire Department – you can see pictures taken from across the wetlands that there's a lot of debris that's along the stream bank – there are multiple streams in that area that she could see that were flowing as well as some wetland soils.

Ms. Simone said so the notice of violation was sent out to the property owner that is now listed as Ms. Ribeiro which is different than the M&T Bank that was contacted in 2011 – she said she didn't believe that they are connected.

Jackson Rivers of 64 Rita Avenue addressed the Commission.

Mr. Rivers said we recently acquired the property through a foreclosure and everything was overgrown when they first bought the property; he said in the course of a year and a half he's been cutting trees down and he's been exposing all of this waste in the back.

Mr. Rivers said what they want to do is we actually want to bring our top soil in and cover all that if possible so we can have an area for future children to play.

Chairman de Jongh said he thought the issue that we have is unfortunately when you purchase a piece of property if there's a violation on the property you own the property – or you own the violation – and it's an unfortunately position for a new homeowner to be in be unfortunately that's the way things work out.

Chairman de Jongh said we have a couple of issues and one issue is the removal of the debris which is adjacent to a wetland area that we have jurisdiction over so we need to make that is removed; now to the point of what you are trying to do and what you hope to do that would require an application to come before this Commission to make sure that the steps that you take are consistent with what we permit and not permit – we don't want you to run into a situation as

you may have heard to night where things get done and are perhaps done incorrectly.

Chairman de Jongh said so the first step before us is really the corrective order to remove that debris and do that from the upslope as opposed to using equipment to pull that out – we don't to have any further damage to the wetland area or watercourse in that area; so that debris has to be removed.

Dr. Dimmick said it needs to be pulled out rather than pushed out essentially.

Chairman de Jongh said but that's the issue that we have before us.

Mr. Rivers said his issue is also that we don't know where the wetlands start from our property – we weren't aware that we had wetlands on our property.

Chairman de Jongh said that's troubling.

Ms. Simone said from the town wetlands map it does appear that there's a wetland area that starts pretty much at the base of the slope so where it's that broad flat area where you see where there's a lot of skunk cabbage – you see where there's a lot of moving water that that is likely the wetland area – she said she didn't see extended up into what's now your yard area.

Dr. Dimmick said our jurisdiction is what we call an upland review area – anything within 50' of the wetland is area of concern to us and automatically comes under regulation; so when we are talking about once you get the material out of putting fill in any fill that's going in within 50' of the existing – and that base of slope is approximately wetland line – we are not going to worry about 4'-5' one way or the other – anything within 50' of that does need a permit from us to do – it doesn't mean you wouldn't get it – it does mean you have to go through the process.

Mr. Rivers said the way our backyard is – it drops off – there's no gradual slope or anything – it drops off and that's because of the debris that's there from when we bought the house.

Mr. Rivers said he didn't know how far up the wetlands come or even the upland – he didn't know how far because we own pretty far back – we own right back to the stream.

Dr. Dimmick said if he weren't going out of state he'd go over and take a look.

Ms. Simone said but even still regardless of where exactly the boundary is for the wetlands this stock piling of material is within the upland review area so it's not just about being directly in the wetlands its being 50' away from the wetlands and while you may not know the exact line 50' is certainly away from the edge of that stream.

Dr. Dimmick said it's one of these things that once we get the material removed then we may be able to help in terms of staff being able to help in putting together a proper application and make that a smooth application process.

Chairman de Jongh said we would certainly like to work with you to get your back yard the way you would like it so we are not opposed to being whatever help we can in trying to affect that change.

Chairman de Jongh said the issue before us and the one that has to be dealt with – before we can go any further is just the removal of that material which right now is in an area that requires our review and that's the reason for the corrective order.

Mr. Rivers said so basically we have to take that debris and just pull it back.

Chairman de Jongh said that's stuff got to be pulled out – and whether it takes a 20 cubic yard dumpster or whatever he didn't know – he said he was not sure how much is there but that stuff obviously should be removed from what would be your back yard so it has to be put somewhere.

Dr. Dimmick said is it now a mixture – you've got lumber and concrete and other odds and ends.

Mr. Rivers said it's just from what he can see its brick and concrete and that's it – he said he's used that in the past at his mother's house to fill in an old swimming pool so that's why he said that as just coming in with top soil and making a nice yard out of it.

Chairman de Jongh said again that the corrective order that we have before us is that stuff needs to be removed and once that's done then we can assist you in trying to create the end result which is that back yard you want to have for your family.

Dr. Dimmick asked staff if she's had permission from them to go look at it and make some kind of a determination of how much of that would have to be removed and how much could be used as a base for fill or was he putting her in an uncomfortable spot.

Ms. Simone said yes and she thought without an application to show what it is they are planning on doing in their back yard she thought that could be problematic.

Ms. Simone said if the Commission entertains them keeping it on the property and filling then that's something separate.

Dr. Dimmick said it needs to be pulled about from the actual wetland edge; he said he would agree that brick as an under layer for filling that isn't that close to the wetland would be an acceptable material.

Mr. Norback said this just begs the questions and he said he realizes when he bought the property he bought the problem but is it a problem that it's there – what problem is it causing if the indeed some damage has been done – let's say those materials are placed on top of what can be described as valuable wetland upland review area.

Dr. Dimmick said we don't know except it goes right up to the edge of the existing invisible wetlands so it's quite possible that at least some of it has gone into what had been a wetland – we are not absolutely certain.

Dr. Dimmick said if you've put into what had been wetland then it definitely needs to come out – it needs to come out far enough that it's not going to back into wetland.

Ms. Simone said she would suggest if the Commission is entertaining allowing them to keep this material and to fill it over that there needs to be much more information - that a soil scientist would need to go out to the property – delineate the wetlands – review their idea of placing fill – what impacts that would have because in looking at this when you are standing at the Fire Department you can appreciate how much material is there so even if the yard was to be extended and that was to be used as fill for the yard then you would have top soil pretty much deposited into the wetlands because its right at the edge.

Dr. Dimmick said of a visible wetland.

Ms. Simone said and if the goal was possible to regrade the edge so it's not as sharp a drop off that may be an application they may be an application they can bring forward that may be independent of the fill; she said she didn't know if the fill is necessarily supporting a type of grade that they want in their back yard.

Mr. McPhee said he was still stuck on the fact that they inherited this problem but this was a known problem before that was released –he asked for a clarification.

Ms. Simone explained that in 2011 the Zoning Enforcement officer had issued a notice of violation for the storage of construction equipment – there was a vehicle that was stored there and there was some mention of construction material – when she asked the Zoning Enforcement officer if he had any pictures that would show stock piling of material he didn't have that so its undocumented if this existed at that time – if this was part of that contractor – if this was something that was done ten years ago or ten days ago – there's no documentation that we have so far in our file.

Dr. Dimmick said it's only now that it's come to the attention of the Wetlands people.

Mr. Norback said he was not recognizing it as a problem.

Mr. Rivers said what he might add is that it was there and it became obvious when he got over zealous with a leave blower and he saw some debris and said well how much more is there – and he just kept going and going; he said he just got over zealous and he planned on fixing it this spring with any means that he was able to – even if he had to pull some of the debris back in order to make an area where he could actually put dirt on there so it won't go into – he said he sees the skunk cabbage back there and it's got to be somewhat wet so he said he didn't want to impact that.

Chairman de Jongh said rather than belabor the point – it might make some sense to go out and take a look at that and then that way we can see for ourselves and perhaps maybe field identify – we are not wetland surveyors but we have the ability maybe where the line could be so that's certainly going to be a step in the right direction – he said some of this is going to have to be pulled out – some of it may very well be able to be used as a base for what you ultimately achieve – he didn't know – but he thought that's probably the best step to take a field trip.

Commission members discussed the options for a field trip; it was decided that individual site visits would work best.

Chairman de Jongh asked if Commission members could have permission to go and just kind of look in your back yard.

Ms. Suzy Ribeiro addressed the Commission and stated she was the property owner said she would like to be there so they could give her some input on everything so she would like to be there when they are there; she said any time after 5:00 p.m. was ok.

Chairman de Jongh said so what he might suggest is – it's clear we are not going to get all of us together at the same time - he asked if there was a contact number that they can have to contact her and say do you have any objection to our coming out – maybe two or three of us can go at one time and somebody else can go.

Ms. Ribeiro stated sure – not a problem (she provided the Commission with her cell phone number).

Chairman de Jongh said why don't we do that and leave it at that and we can do a conservation with you – get an idea of what we are looking and then we can take this up at our meeting on June 3; but we can kind of work with you to try to get some ideas of how to move this forward.

Ms. Ribeiro thanked the Commission.

Chairman de Jongh said with regard to the show cause hearing – do we want to keep the show cause hearing open – he said let's keep this open until we get the information pending our field trips; we'll keep the show cause hearing open until we gather the information and we are able to make a determination at our next meeting.

X. UNFINISHED BUSINESS

1.	Permit Application	APP	#2014-007
	Connecticut Yankee Construction	DOR	3/04/14
	Mountain Road	PH	4/01/14
	Site Plan – House	PH	4/15/14
		MAD	5/20/14

Ms. Simone said after the last meeting she did speak with the engineer and asked if he would supply a map that would show a location of the upland review area for markers as well as a non-

encroachment line which he supplied so this draft reflects that information.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, previous site visitations, and after review of written information provided by the applicant on this application, finds the following:

1. That the current application is for the construction of a single family house on 1.608 acres of undeveloped land on Mountain Road.
2. That the site contains forested wetlands and that grading is proposed within 20 feet of the wetland.
3. That the site plan contains an erosion control plan and construction sequence, including details and specifications for the erosion control blanket to be used on the slopes.
4. That the engineering department has reviewed and commented on the proposed development, including proposed storm water detention system.
5. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2014-007, the permit application of CT YANKEE CONSTRUCTION as presented on the plans entitled:

**“Site Plan & Subsurface Sewage Disposal System
Design
Assessor’s Map 62, Lot 4
Mountain Road, Cheshire, CT
Dated February 11, 2014, Revised May 2, 2014
Prepared by Milone and MacBroom, Inc”.**

The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

- 1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 3. Prior to any clearing, grading, or other activities on the site, associated with this permit or the request for a Building Permit, the applicant shall:**
 - a. post a bond covering the costs of the erosion and sedimentation controls, per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations. The bond shall be filed with the Town Planner's Office. The Cheshire Planning Office shall determine the amount of the bond. The permittee shall request the bond calculation 30 days prior to the expected date of construction.**
 - b. arrange for and hold a pre-construction meeting with Commission Staff to review this permit grant's Conditions. The permittee shall request such meeting a minimum of 30 days prior to the commencement of construction.**
 - c. submit contact information with a 24-hour phone number for the individual with the responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within six (6) hours of such notice from the sediment and erosion control inspector, or other appropriate staff of the Town of Cheshire.**
 - d. accurately stake and/or flag all clearing limits and permanently mark all non-encroachment lines. The location of non-encroachment lines shall be established in coordination with the above referenced site plan. Work is to be completed by qualified personnel. The**

applicant shall notify Commission Staff so that Staff may inspect the site to verify all such areas have been properly marked. Staff may also insist on additional markings if field conditions warrant them.

- e. provide a professional engineer's certification, in writing to the Commission, that all required erosion and sedimentation controls are in place and functioning as represented by applicant to ensure the prevention of erosion and sedimentation into adjacent wetlands and watercourses. The cost of the professional engineer shall be borne by the applicant. A visual barrier such as orange plastic construction fence or equivalent shall be used to identify the erosion controls. The applicant shall also notify Commission Staff so that Staff may inspect the site to verify that all required controls are in place. Staff may also insist on additional controls if field conditions warrant them.
4. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breaches or deficiencies shall be forwarded to a contact individual, as defined below, immediately after inspection. The costs of said inspections shall be borne by the applicant.
 5. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:
 - a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.

- b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

6. This permit grant shall expire on May 6, 2019.

Moved by Dr. Dimmick. Seconded by Mr. Norback. Motion approved unanimously by Commission members present.

2.	Permit Application	APP	#2014-012
	Kathie A. Welch	DOR	4/01/14
	Reservoir Road	SW	4/05/14
	Resubdivision	PH	4/15/14
		PH	5/06/14
		MAD	6/10/14

Chairman de Jongh stated this was subject of a public hearing this evening which was continued until our June 3 meeting.

3.	Permit Application	APP	#2014-018
	John Hilzinger	DOR	4/15/14
	Cheshire Street		
	Subdivision	MAD	6/19/14

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, previous site visitations, and after review of written information provided by the applicant on this application, finds the following:

1. That the current application is for the subdivision of an approximately 3 acre parcel on Cheshire Street.
2. That the existing driveway is within the upland review area of the wetland located off site, to the south.
3. That the site plan contains an erosion control plan and construction sequence.
4. That the engineering department has reviewed and commented on the proposed development, including proposed storm water detention system.

5. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2014-018, the permit application of JOHN HILZINGER as presented on the plans entitled:

**“Site Development Plan
Hilzinger Subdivision
1715 Cheshire Street, Cheshire, CT
Dated April 4, 2014, Revised May 2, 2014
Prepared by Milone and MacBroom, Inc”.**

The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.
2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.
3. Prior to any clearing, grading, or other activities on the site, associated with this permit or the request for a Building Permit, the applicant shall accurately stake and/or flag all clearing limits and permanently mark all non-encroachment lines. The location of non-encroachment lines shall be *agreed upon by the applicant and Commission Staff*. The applicant shall notify Commission Staff so that Staff may inspect the site to verify all such areas have been properly marked. Staff may also insist on additional markings if field conditions warrant them.
4. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:

- a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
- b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

5. This permit grant shall expire on May 6, 2019.

Moved by Dr. Dimmick. Seconded by Mr. McPhee. Motion approved unanimously by Commission members present.

XI. NEW BUSINESS

- | | | | |
|----|--|------------|----------------------|
| 1. | Wetland Determination
Franciscan Sisters of the Eucharist
267 Finch Avenue
Site Development | RFD
DOR | #2014-019
5/06/14 |
|----|--|------------|----------------------|

Biff Schechinger, a licensed landscape architect in the State of Connecticut was present representing the Franciscan Sisters.

Mr. Schechinger said we are here because there were extra modifications to the plan that we are now on track to go to Planning and Zoning on so we came back to get the file updated because is a special permit - we are asking for a modification as you remember this is the site – this is our retention system – the upland review area (shown on the plans); now of the work is inside it.

Mr. Schechinger said they redid the storm drainage – instead of going wide – we shorted it up – so we have less trenching and less disturbance with that.

Mr. Schechinger stated we also got rid of the sidewalks – he showed on the plans – he said there's a small little section of sidewalk that's been taken out too – we are only going to have one straight side walk – and one connecting as shown on the plan – he said we got rid of the old sidewalk – by doing that this whole area was graded and disturbed – this is all now going to be natural existing grade and

existing vegetation so we are not touching of that we've reduced again the coverage and the grading envelop.

Mr. Schechinger said the big addition is a six stall structural grass paved over flow parking; it's the same material approve for our original permit – it's a geo grid and we will have a concrete curb holding it in around it – a 6" curb so it's the same material that we're using as a porous emergency vehicle access drive lane all the way around the building and its already on existing pavement that we have approved.

Mr. Schechinger said we went to all the trouble to move the road to save those trees and when he redid the grading we needed a little sitting wall of about 1' high of natural stone – so those are the changes.

Dr. Dimmick said looking at what the changes are and considering the possible wetland impact he moved the following:

Motion: To declare the proposed changes in a plan dated April 2014 revised April 30, 2014 to be de minimis within the context of the regulations and not needing a permit.

Moved by Dr. Dimmick. Seconded by Ms. Dunne. Motion approved unanimously by Commission members present.

At 9:16 p.m. the Commission returned to the approval of the minutes.

XII. ADJOURNMENT

The regular meeting was adjourned at 9:17 p.m. by the consensus of Commission members present.

Respectfully submitted:

**Carla Mills
Recording Secretary
Cheshire Inland Wetland and
Watercourse Commission**